

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALARMAX DISTRIBUTORS, INC.,)	
)	
Plaintiff,)	Civil Action No. 14-1527
)	Judge David Stewart Cercone
v.)	Chief Magistrate Judge Maureen P. Kelly
)	
HONEYWELL INTERNATIONAL, INC.,)	Re: ECF No. 216
)	
Defendant.)	

ORDER

Presently before the Court is a Motion to Quash or in the alternative Modify Subpoena filed by Para Systems, Inc. (“PSI”). ECF No. 216. PSI is not a party in this case. In response, Defendant Honeywell International, Inc (“Honeywell”) has filed a Position Statement in support of the Motion to Quash. ECF No. 218. On August 10, 2018, Plaintiff AlarMax Distributors, Inc. (“AlarMax”) subsequently filed a Response to Honeywell’s Position Statement. ECF No. 219.

Upon review of the third party subpoena of PSI and the related filings, this Court finds that substantial portions of the subpoena are violative of Federal Rule of Civil Procedure 45 because AlarMax seeks information that is duplicative of documentation already produced by Honeywell in the instant case. Further, certain of AlarMax’s requests are substantially overbroad, particularly when considered that they are directed to PSI as a nonparty. Additionally, as PSI argues, AlarMax appears to have not limited its requests to ADI-related and AlarMax-related business and/or products relevant to the pending litigation. The Court also considers the 2015 amendments to Federal Rule of Civil Procedure 26(b)(1) as it relates to the required considerations of proportionality and access to

the parties to relevant information. As such, PSI's objections will be sustained in part and overruled in part, and the Motion to Quash will be granted in part and denied in part.

As to Subpoena Request No. 1, PSI is to produce copies of any agreements with Honeywell or ADI relative to the purchase or sale of Electronic Fire and Security Products, other than Bates Nos. HW2286-HW2295, Honeywell 0134752 and Bates Nos. HW2296-HW2297. The request is otherwise denied as duplicative.

As to Subpoena Request Nos. 2 and 3, they are denied as duplicative.

As to Subpoena Request No. 4, PSI is to produce spreadsheets and/or reports as to annual sales of Electronic Fire and Security Products to ADI. The remainder of the request is denied as duplicative.

As to Subpoena Request No. 5, it is denied as overly broad and duplicative.

As to Subpoena Request No. 7,¹ PSI is to produce any responsive documents as to Power Points and/or slides received from or in conjunction with any Honeywell or ADI conference, meeting or symposium, or in conjunction with Honeywell or ADI.

As to Subpoena Request No. 8, it is denied as overly broad.

Documents that are responsive to the Subpoena at issue, as limited by this Order of Court, are to be produced by August 30, 2018.

Dated: August 13, 2018

BY THE COURT:

/s/ Maureen P. Kelly
MAUREEN P. KELLY
CHIEF UNITED STATES MAGISTRATE JUDGE

¹ Subpoena Request No. 6 has been withdrawn by AlarMax.